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**GAMBLING COMMISSION  
COMM & LEGAL DEPT**

STATE OF WASHINGTON  
GAMBLING COMMISSION

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JUL 22 2010

HEADQUARTERS OFFICE OF  
ADMINISTRATIVE HEARINGS

In the Matter of the Revocation of the  
License to Operate Gambling Activities of:

NO. CR 2009-01664

Dawg Tagz II, LLC, d/b/a The Fan Club  
Lakewood, Washington,

**SETTLEMENT ORDER**

Licensee.

This Settlement Order is entered into between the Washington State Gambling Commission and the David Garrison. H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Commission. S. Christopher Easley, Attorney, represents David Garrison, owner and operator of the licensee.

I.

The Washington State Gambling Commission issued Dawg Tagz II, LLC, d/b/a The Fan Club, 8315 83<sup>rd</sup> Ave. SW, Lakewood, the following license:

Number: 05-20737 Authorizing Class "G" Punch Board/Pull-Tab activity.

This license, which expired on June 30, 2010, was issued subject to the licensee's compliance with state gambling laws, and Commission rules.

II.

The Director issued a Findings of Fact, Conclusions of Law, and Order of Summary Suspension to the licensee on November 25, 2009. The licensee received the Order, and on December 14, 2009, Commission staff received the licensee's request for a hearing.

III.

The following summary of facts and violations were alleged in the Order of Summary Suspension:

On September 10, 2009, David Garrison, sole owner of Dawg Tags II, LLC, d/b/a The Fan Club (The Fan Club), was charged with Felony Assault 2<sup>nd</sup> Degree and Felony Harassment. The Fan Club has failed to prove through clear and convincing evidence that it continues to qualify for licensure. These felony charges involve physical harm to an individual and moral turpitude. The Fan Club poses an immediate danger to public safety and welfare, and its license should be summarily suspended. On October 31, 2009, Mr. Garrison was charged with Violation of a No

Contact Order in Lakewood Municipal Court. This violation of court order reflects Mr. Garrison's willful disregard for compliance with court orders, and therefore Lake City Tavern poses an immediate danger to public safety and welfare. On December 30, 2009, an Administrative Law Judge entered an order denying the licensee's request to stay the Order of Summary Suspension.

1) RCW 9.46.075(1) provides the Commission may revoke any license for any reason or reasons, it deems to be in the public interest.

2) RCW 9.46.075(9) provides that the Commission may revoke a license of any licensee who is subject to current prosecution or pending charges . . . or any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

3) WAC 230-03-085(1) and (8) provide that the Commission may revoke a license of any licensee, when the licensee poses a threat to the effective regulation of gaming or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities as demonstrated by prior activities.

4) WAC 230-03-085(3) provides that the Commission may suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

5) RCW 9.46.075(8) provides that the Commission may revoke any license when a licensee fails to prove, by clear and convincing evidence, that it is qualified in accordance with the provisions of this chapter. RCW 9.46.153(1) provides that it shall be the affirmative responsibility of each licensee to establish by clear and convincing evidence the necessary qualifications for licensure.

8) WAC 230-06-085(1) states that licensees must report to the Commission in writing within 30 days of all criminal actions filed against the licensee, manager of the licensed gambling activity, the business organization, or any person holding a substantial interest.

Mr. Garrison is charged with having committed 2<sup>nd</sup> Degree Felony Assault and Felony Harassment occurring on September 9, 2009. Mr. Garrison failed to report his pending charges, as required, in violation of WAC 230-06-085(1). The licensee poses a threat to the effective regulation of gaming, or increases the likelihood of unfair or illegal practices as demonstrated by his prior activity.

The licensee has also failed to establish clearly and convincingly, as required by RCW 9.46.153(1), that it is qualified to be licensed. Grounds, therefore, exist to revoke The Fan Club's license based on RCW 9.46.075(1), (8), and (9), and WAC 230-03-085(1) (3) and (8).

#### IV.

The licensee, The Fan Club, through its owner, David Garrison, acknowledges that it received and understands the Findings of Fact, Conclusions of Law and Order of Summary Suspension, and Amended Notice of Charges, issued in this case. The licensee has waived its right to a hearing, based on the terms and conditions of this Settlement Order.

As of July 19, 2010, David Garrison, has resolved the Felony Assault 2<sup>nd</sup> Degree and Felony Harassment charges filed against him by pleading guilty to Assault, Fourth Degree, and received a deferred sentence for two (2) years. The charges for Violation of a No Contact Order filed in Lakewood Municipal Court are pending.

The licensee agrees to the following terms and sanctions:

- 1) David Garrison agrees to the surrender the gambling license for Dawg Tagz II, LLC, d/b/a The Fan Club, 8315 83<sup>rd</sup> Ave. SW, Lakewood to Commission staff.
- 2) David Garrison shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity.
- 3) **The signed Settlement Order must be received by Commission staff on or before July 19, 2010, and mailed to Commission Headquarters at the following address:**

Washington State Gambling Commission  
Attention: Communications and Legal Division  
P.O. Box 42400  
Olympia, WA 98504-2400

**or delivered** (in person or via private courier) to the following address:

Washington State Gambling Commission  
4565 7<sup>th</sup> Avenue SE; Fourth Floor  
Attention: Communications and Legal Division Lacey, WA 98503

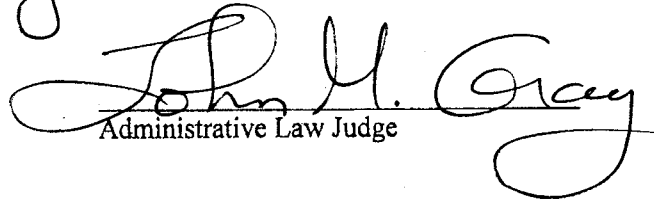
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4) In the event that David Garrison reapplies for a gambling license, he will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Furthermore, no promises or assurances have been made that Mr. Garrison will receive a license from the Commission should he reapply.

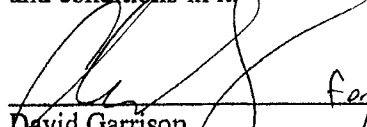
DATED this 30<sup>th</sup> day of July, 2010.

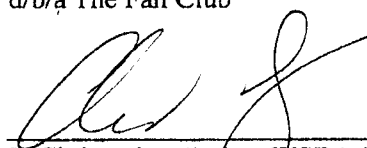
  
Administrative Law Judge

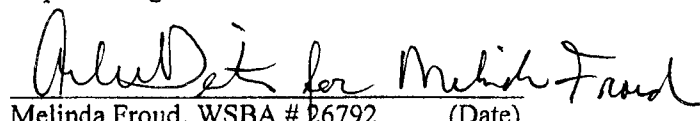
APPROVED FOR ENTRY:

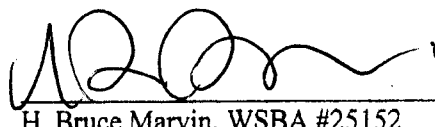
APPROVED AS TO FORM:

By the signature below, Mr. Garrison acknowledges reading the Settlement Order, and understands the terms and conditions in it.

  
David Garrison for 7/19/10  
(Date)  
owner and operator of: Dawg Tagz II,  
d/b/a The Fan Club

  
S. Christopher Easley, WSBA #28029 (Date)  
The Easley Law Group, P.S.  
Representing David Garrison

  
Melinda Froud, WSBA # 26792 (Date) #28760  
Lead Staff Attorney,  
Washington State Gambling Commission

  
H. Bruce Marvin, WSBA #25152 (Date) 7/21/10  
Assistant Attorney General,  
Representing the Washington  
State Gambling Commission